

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

-

WRIT PETITION No.2432 of 2006

Between:

M/s.B.Arun Kumar Trading (P) Ltd.,

(Presently known as Worls Wide Commodities Trading

Private Limited),413, Adamji Building,IV th floor,

413, Narsi Natha Street, Mumbai- 400 009,

represented by its Director

Sri Umesh Pratap Roy Mehta.

..... PETITIONER

AND

1.The Commercial Tax Officer, Kurupam Market Circle,

Visakhapatnam, and 3 others.

.....RESPONDENTS

ORDER: (Per Hon'ble Sri Justice Bilal Nazki,)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

Pending appeal, the petitioner filed an application seeking stay of the recovery, which has been declined. We have gone through the record. We feel that the interest of justice would have been met, if stay is granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, it is made clear that, if the petitioner has already deposited any amount, the same shall be given credit to, while calculating 50% of the disputed tax liability.

Writ Petition is disposed of accordingly. No costs.

(Bilal Nazki, J)

15th February, 2006

(G.Chandraiah, J)

Note:

Furnish CC

In two days

B/o

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